

Amendment No. 1 to HB0120

Eldridge

Signature of Sponsor

AMEND Senate Bill No. 283

House Bill No. 120*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

47-18-2301. As used in this part:

(1) "Adult dog" means any live dog of the species *Canis familiaris* or a *Canis familiaris* hybrid six (6) months or older;

(2) "Commercial dog breeder" means any person who, during a twelve-month period, possesses or maintains ten (10) or more intact female adult dogs for the primary purpose of selling their offspring as household pets;

(3) "Consumer" means an individual who attempts to enter or enters into a transaction to purchase a dog for personal, family, or household purposes;

(4) "Dog" means any live dog of the species *Canis familiaris* or a *Canis familiaris* hybrid irrespective of age;

(5) "Housing facility" or "housing facilities" means any land, premises, shed, barn, building, trailer, or other structure or area for housing, or intended to house, dogs;

(6) "Intact" means a female dog that has not been altered by surgical, chemical, or physical means and is capable of breeding; and

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(7) "Veterinarian" means a person who is licensed and in good standing to practice veterinary medicine pursuant to the Tennessee Veterinary Practice Act of 1967, compiled in title 63, chapter 12.

47-18-2302. A commercial dog breeder shall not offer for sale or sell a dog to a consumer unless the commercial dog breeder:

(1) Maintains one (1) of the following and offers to provide proof of such to any consumer attempting to purchase or purchasing a dog from the breeder:

(A) A valid Class A or Class B animal dealer's license number issued by the United States department of agriculture pursuant to the Animal Welfare Act (7 U.S.C. § 2131 et seq.); or

(B) A letter of determination issued by the United States department of agriculture stating that the applicant is not required to hold the license set out in subdivision (1)(A);

(2) Provides a program of veterinary care for all adult female dogs and their offspring that are owned or in the control of the breeder;

(3) Does not exercise control over or maintain an interest in a public or private animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to dogs, or other similar entity or home-based rescue operation that releases companion dogs for adoption;

(4) Has operated all housing facilities used in the commercial breeding of dogs in accordance with standards of care of the American Kennel Club and the American Veterinary Medical Association;

(5) Has never been convicted of, or pled nolo contendere to, a violation of this part and has never been convicted of, or pled nolo contendere to, any criminal offense for which animal cruelty or neglect is an element of the offense;

(6) Has had all housing facilities used in the commercial breeding of dogs sufficiently inspected pursuant to § 47-18-2303; and

(7) Has paid all civil penalties, costs, and attorney fees assessed as a result of any violation of this part in compliance with any order or agreement.

47-18-2303.

(a) A commercial dog breeder shall have any housing facility used in the commercial breeding of dogs inspected prior to being used to house dogs, and at least once every twelve (12) months thereafter, by a veterinarian certifying that the commercial dog breeder has complied with the standards set out in § 47-18-2302(4).

(b) Following an inspection pursuant to subsection (a), the commercial dog breeder shall maintain a written certification from the veterinarian or veterinarian's designee, as described in subsection (a), stating the location of the housing facility inspected, the date of the inspection, and that the housing facility and the care of the dogs at the facility is sufficient for the sanitary and safe care and breeding of dogs.

(c) It is a violation of this part:

(1) To operate any housing facility that has not been inspected as provided in subsection (a); or

(2) To operate any housing facility that was found by a veterinarian or a veterinarian's designee to be insufficient for the sanitary or safe care and breeding of dogs for more than thirty (30) days after the issuance of a report making such a finding, unless a subsequent sufficient report has been issued.

(d) Documentation of all reports of inspection as described in this section, whether finding the facilities and care sufficient or insufficient, shall be maintained by a commercial dog breeder for at least four (4) years following the issuance of the report.

(e) A commercial dog breeder shall make all reports required to be maintained in subsection (d) available upon the request of any consumer, before or after entering any transaction, or to the attorney general and reporter's office. A refusal to provide such documentation constitutes a violation of this part.

(f) Upon receipt of a complaint by the department of commerce and insurance alleging improper care by a commercial dog breeder, the department shall promptly provide a copy of the complaint to the breeder. Upon receipt of the complaint, the commercial dog breeder shall provide written evidence that an inspection has been performed pursuant to subsection (a) within the preceding twelve (12) months.

47-18-2304.

(a) Any violation of this part constitutes an unfair or deceptive act or practice affecting trade or commerce and is subject to the penalties and remedies as provided in the Tennessee Consumer Protection Act of 1977, compiled in part 1 of this chapter, in addition to the penalties and remedies in this part.

(b) Notwithstanding § 47-18-108(b)(3) to the contrary, a court may order payment to the state of a civil penalty of not more than five thousand dollars (\$5,000) for a violation of this part.

(c) A court may restrain or enjoin any person, for a period not to exceed ten (10) years, from acting as a commercial dog breeder or offering for sale or selling any dog to a consumer if evidence has been presented to the court establishing knowing and persistent violations of this part.

(d) Any person who suffers an ascertainable loss as a result of the use of a commercial dog breeder, or employment by, a commercial dog breeder or any employee

or other agent thereof, of an unfair or deceptive act or practice as described in this part, may bring an action individually in accordance with § 47-18-109.

(e) Nothing in this section limits other remedies provided for by law.

SECTION 2. This act shall take effect January 1, 2018, the public welfare requiring it.